

**Dennis J. Duncan, Esq.**  
385 Elm Street  
Kearny, New Jersey 07003  
Phone: (973) 743-7100 ♦ Fax: (973) 743-7101 ♦ E-mail: dduncan@dennisduncanlaw.com

Admitted in DC, NJ, and NY  
Registered to Practice before the USPTO

November 11, 2011

**VIA ECF**

Hon. Anne E. Thompson, U.S.D.J.  
Clarkson S. Fisher U.S. Courthouse  
402 E. State Street, Room 2020  
Trenton, New Jersey 08608

Re: Charles Novins, Esq., P.C. et al. v. Kevin A. Cannon, et al.  
U.S. District Court, Dist. of N.J. - Trenton  
Civil Action: **09-CV-5354-AET-DEA**

Dear Judge Thompson:

I represent Defendant and Counterclaimant Dr. Richard “Vince” Lamb. A trial is scheduled to commence in the above captioned matter on or about Tuesday, November 15, 2011. During the Court’s November 4, 2011 conference call, Your Honor asked that I provide a letter indicating what motions are left unresolved in this matter. I have conferred with Mr. Manzo counsel for Counterclaimant Carl and Yvonne Osterwald regarding that matter.

To begin with, the majority of the pre-trial issues in this case were resolved by the June 2011 Pretrial Joint Scheduling Order (e.g., exhibits, witnesses and admissions etc.). The Plaintiffs, by virtue of their decision not to participate in that Order, have consented to the contents and limitations of that Order.

With respect to outstanding motions, Dr. Lamb’s motion in limine regarding his potential expert testimony at trial is still outstanding (PACER Docket No. **75**). An additional motion in limine is filed contemporaneously with this letter to correct the name of one of the Plaintiffs. Also, an additional motion in limine has been filed which was necessitated by a statement made by the Plaintiffs at the November 4, 2011 teleconference.

Respectfully Submitted,

/s/ Dennis J. Duncan  
Dennis J. Duncan

cc: Charles Novins, Esq. (via ECF)  
Joseph Manzo, Esq. (via ECF)